

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Chapter 11
)	
FRONTIER COMMUNICATIONS)	Case No. 20-22476 (MG)
CORPORATION, <i>et al.</i> ,)	
)	
Reorganized Debtors.)	(Jointly Administered)
)	

**ORDER RESERVING RULING ON FRONTIER'S MOTION *IN LIMINE* TO
EXCLUDE THIRD-PARTY NOTICES UNTIL TRIAL**

Frontier submitted a motion *in limine* ("MIL") seeking to exclude third-party copyright holders' emails ("Frontier MIL," ECF Doc. #2510). The RCCs submitted a response ("RCC Response," not filed on the docket), to which the MCCs joined (ECF Doc. # 2513) without providing additional argumentation. Frontier submitted a reply ("Reply," not filed on the docket).

It is not clear to the Court at this time for what purpose the claimants wish to use third-party notices of alleged copyright infringement. If they indeed wish to use these notices as evidence of actual infringement (as opposed to alleged infringement), that may indeed pose a hearsay problem (though the Court notes that Frontier did incorporate these notices into their DMCA Database and often, if not always, acted as though those notices constituted evidence of actual infringement, *see* ECF Doc. # 2498, at 14–21 (opinion on MCCs' spoliation motion, discussing Frontier's DMCA Database)). However, if the claimants only wish to use the notices as evidence that Frontier was on notice of alleged infringement, that would not be a hearsay use. Moreover, at this juncture, the Court does not know how these third-party notices were created (e.g., whether they were automatically created by operation of a computer software, about which

one of the trial witnesses will testify regarding its reliability). In short, too little is known at this time for the Court to be able to rule on Frontier's motion *in limine* to exclude third-party notices.

The Court therefore reserves judgment on this motion until trial and will rule on it either during or after trial.

IT IS SO ORDERED.

Dated: April 3, 2025
New York, New York

/s/ Martin Glenn
MARTIN GLENN
Chief United States Bankruptcy Judge